

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

JOHNNY LAMBERT

PLAINTIFF

VERSUS

CIVIL ACTION NO. 4:07-cv-124-HTW-LRA

JOHNNY CROCKETT, et al.

DEFENDANTS

ORDER SETTING PAYMENT SCHEDULE

There came on for consideration the plaintiff's application to proceed in forma pauperis in this civil action.

Having carefully reviewed this matter, the court finds that plaintiff's application includes statements of his assets, of his inability to prepay fees, of the nature of the action, and of his belief that he is entitled to redress. Pursuant to 28 U.S.C. § 1915, as amended, and notwithstanding plaintiff's lack of assets, it is

ORDERED that plaintiff's application to proceed in forma pauperis is granted, except to the extent that plaintiff is required to make payments set forth below. If judgment is rendered against the plaintiff, and the judgment includes the payments of costs under Section 1915, plaintiff will be required to pay the full amount of the costs, notwithstanding that his application to proceed in forma pauperis has been granted.

IT IS FURTHER ORDERED that plaintiff shall pay the full filing fee of \$350.00 by payments made to the Clerk of Court from the plaintiff's prison account. **Said payments will be forwarded to the Clerk, U.S. District Court, P.O. Box 23552, Jackson, Mississippi 39225-3552, with the plaintiff's name and civil action number 4:07-cv-124-HTW-LRA written on**

the payment.

IT IS FURTHER ORDERED that the court hereby assesses an initial partial filing fee of 20 percent of the average monthly balance or the average monthly deposit, whichever is greater, in plaintiff's prison account for the six month period immediately preceding the filing of the complaint. 28 U.S.C. § 1915(b)(1). The **Boliver County Regional Correctional Facility** or other prison at which plaintiff may be incarcerated is required by law, when plaintiff's prison account has sufficient funds, to collect the initial partial filing fee and **forward it to the Clerk, U.S. District Court, P.O. Box 23552, Jackson, Mississippi 39225-3552, with the plaintiff's name and civil action number 4:07-cv-124-HTW-LRA written on the payment.**

IT IS FURTHER ORDERED that after payment of the initial partial filing fee, plaintiff is required to make monthly payments of 20 percent of the preceding month's income¹ credited to his prison account, until the total filing fee of \$350.00 is paid. The **Boliver County Regional Correctional Facility** or other prison at which plaintiff may be incarcerated is required by law, when plaintiff's prison account exceeds the sum of \$10.00, to **forward monthly payments with the plaintiff's name and civil action number 4:07-cv-124-HTW-LRA written on the payment, to the Clerk, U.S. District Court, P.O. Box 23552, Jackson, Mississippi 39225-3552,** with each payment being a sum which equals 20 percent of the preceding month's income credited to plaintiff's prison account.

The Clerk is directed to mail copies of this Order to the **plaintiff; Tammy Robertson, MDOC Inmate Banking Department, South Mississippi Correctional Institution, P.O. Box**

¹Income shall mean "whatever sums enter a prison trust account, disregarding the source." Lucien v. DeTella, 141 F.3d 773, 776 (7th Cir. 1998).

1419, Highway 63 North, Leakesville, Mississippi 39451.

Failure to advise this court of a change of address or failure to comply with any Order of this court will be deemed as a purposeful delay and contumacious act by the plaintiff and may result in the dismissal of this case.

THIS the 15th day of October, 2007.

s/Linda R. Anderson

UNITED STATES MAGISTRATE JUDGE